



Exempt Action Final Regulation Agency Background Document

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| Agency name | State Board of Elections |
| Virginia Administrative Code (VAC) citation | 1VAC20-40-80 |
| Regulation title | Application for Registration on Federal Post Card Application (FPCA) |
| Action title | Board regulation allowing applicants eligible under federal Uniformed and Overseas Citizens Voting Act (UOCAVA) to apply for registration as well as request absentee ballots on a Federal Post Card Application (FPCA) that is faxed or emailed as a scanned attachment. |
| Final agency action date | 7/6/2011, effective September 1, 2011, subject to preclearance to be requested on an expedited basis. |
| Document preparation date | 7/6/2011 |

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation adopted by the Board allows applicants eligible under the federal Uniformed and Overseas Citizens Voting Act (UOCAVA) (42 USC 1973ff et seq.) to apply for registration as well as request absentee ballots on a Federal Post Card Application (FPCA) that is faxed or emailed as a scanned attachment. The Board adopted the regulation to be effective September 1, 2011, subject to preclearance to be requested on an expedited basis. The regulation is consistent with recent federal and state legislation encouraging states to increase electronic access to registration and voting for absent military and overseas citizens. Virginia is under a federal consent decree through at least 2012 due to failure to timely send absentee ballots in the past. Historically, a 1970 Board policy (1970-001) has been interpreted to require that in addition to an emailed or faxed Federal Post Card Application (FPCA), absent military and overseas citizens needing to register must also mail their signed FPCA to the local voting official. State law allows these voters to fax or email their absentee ballot requests directly to the

local official, but is silent whether the FPCA when also needed for registration must be snail mailed as well. This regulation eliminates that requirement to make voting earlier for this class of voters who face time and distance difficulties in voting.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board Elections at its meeting on July 6, 2011, approved the regulation titled Application for Registration on Federal Post Card Application and directed that the regulation take effect September 1, 2011, subject to preclearance as required by § 5 of the Voting Rights Act to be requested on an expedited basis.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulation will make absentee voting easier for eligible overseas citizens, absent active duty military and their families.